

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

UNITED STATES OF AMERICA * **CRIMINAL NUMBER 13-0269**

VERSUS * **JUDGE ROBERT G. JAMES**

KERRY D. GAYFIELD * **MAG. JUDGE KAREN L. HAYES**

REPORT AND RECOMMENDATION ON
FELONY GUILTY PLEA BEFORE THE UNITED STATES MAGISTRATE JUDGE

Pursuant to 28 U.S.C. § 636(b), and with the written and oral consent of the defendant, this matter has been referred by the District Court for administration of Conditional Guilty Plea, and Allocation under Rule 11 of the Federal Rules of Criminal Procedure.

This cause came before the undersigned U. S. Magistrate Judge for a change of plea hearing and allocution of the defendant Kerry D. Gayfield on June 10, 2014. Defendant was present with his counsel, Ms. Betty Marak.

After said hearing, it is the finding of the undersigned that the defendant is fully competent, that his conditional plea of guilty is knowing and voluntary, and his conditional guilty plea to Counts One, Two, and Three of the Indictment is fully supported by a written factual basis for each of the essential elements of the offense(s). Therefore,

IT IS RECOMMENDED that the District Court **ACCEPT** the conditional guilty plea of defendant Kerry D. Gayfield in accordance with the terms of the plea agreement filed in the record of these proceedings, and that Kerry D. Gayfield be finally adjudged guilty of the offense(s) charged in Counts One, Two, and Three of the Indictment, reserving his right to appeal the adverse ruling on his motion to suppress.

IT IS FURTHER RECOMMENDED that the District Court **ACCEPT** defendant's agreement to forfeit and abandon his interest in the firearm(s) and ammunition seized as a result of the investigation of this matter.

Under the provisions of 28 U.S.C. § 636(b)(1)(C) and F.R.C.P. Rule 72(b), the parties have **fourteen (14) days** from service of this Report and Recommendation to file specific, written objections with the Clerk of Court. A party may respond to another party's objections within **fourteen (14) days** after being served with a copy thereof. A courtesy copy of any objection or response or request for extension of time shall be furnished to the District Judge at the time of filing. Timely objections will be considered by the District Judge before he makes a final ruling.

A PARTY'S FAILURE TO FILE WRITTEN OBJECTIONS TO THE PROPOSED FINDINGS, CONCLUSIONS AND RECOMMENDATIONS CONTAINED IN THIS REPORT WITHIN FOURTEEN (14) DAYS FROM THE DATE OF ITS SERVICE SHALL BAR AN AGGRIEVED PARTY, EXCEPT ON GROUNDS OF PLAIN ERROR, FROM ATTACKING ON APPEAL THE UNOBJECTED-TO PROPOSED FACTUAL FINDINGS AND LEGAL CONCLUSIONS ACCEPTED BY THE DISTRICT JUDGE.

In Chambers, at Monroe, Louisiana, this 10th day of June 2014.


KAREN L. HAYES
UNITED STATES MAGISTRATE JUDGE